

AMENDED IN SENATE APRIL 20, 2010

AMENDED IN SENATE MARCH 22, 2010

SENATE BILL

No. 1058

Introduced by Senator Harman

(Coauthor: Senator Denham)

~~(Coauthor: Assembly Member Chesbro)~~ *Coauthors: Assembly Members
Chesbro, DeVore, and Nielsen)*

February 16, 2010

An act to amend Sections 331, 332, 1528, 3686, 4332, 4656, 4751, 4902, and 4903 of, to add Section 3953 to, to repeal Section 3685 of, and to repeal and add Sections 3684 and 4334 of, the Fish and Game Code, relating to hunting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1058, as amended, Harman. Hunting and fishing.

Existing law requires all money collected under the provisions of the Fish and Game Code, including money received as a result of the sale of licenses issued under the provisions of the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law grants authority to the department to issue tags, stamps, and licenses for the hunting of antelope, elk, upland game birds, deer, wild pigs, bears, and bighorn sheep upon payment of a fee, to be deposited into the fund.

This bill would establish the Upland Game Bird Account within the fund to permit separate accountability for the receipt and, subject to appropriation, the prescribed expenditure of revenues from upland game bird validations and stamps.

The bill would establish the Big Game Management Account within the fund to permit separate accountability for the receipt and, subject

to appropriation, the prescribed expenditure of revenues from antelope, elk, deer, wild pig, bear, and bighorn sheep tags.

The bill would exempt projects funded from the accounts from the State Contract Act and from statutory provisions relating to the Disabled Veteran Business Enterprise Program.

The bill would make various conforming changes relating to the establishment of the accounts.

Existing law requires the department to operate public shooting grounds, state marine recreational management areas, and wildlife management areas on a nonprofit basis. Existing law declares that multiple recreational use of wildlife management areas is desirable and requires the commission to encourage that use.

This bill would declare that the traditional use of hunting and fishing in wildlife management areas is particularly desirable.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 331 of the Fish and Game Code is
2 amended to read:

3 331. (a) The commission may determine and fix the area or
4 areas, the seasons and hours, the bag and possession limit, and the
5 sex and total number of antelope (*Antilocapra americana*) that may
6 be taken under regulations that the commission may adopt from
7 time to time. Only a person possessing a valid hunting license,
8 who has not received an antelope tag under these provisions during
9 a period of time specified by the commission, may obtain a tag for
10 the taking of antelope.

11 (b) The department may issue a tag upon payment of a fee. The
12 fee for a tag shall be fifty-five dollars (\$55) for a resident of the
13 state, as adjusted under Section 713. On or before July 1, 2007,
14 the commission shall, by regulation, fix the fee for a nonresident
15 of the state at not less than a fee of three hundred fifty dollars
16 (\$350), as adjusted under Section 713. The fee shall be deposited
17 in the Big Game Management Account established in Section 3953
18 and, upon appropriation by the Legislature, shall be expended, in
19 addition to moneys budgeted for salaries of persons in the
20 department as set forth in Section 3953.

1 (c) The commission shall direct the department to annually
2 authorize not less than one antelope tag or more than 1 percent of
3 the total number of tags available for the purpose of raising funds
4 for programs and projects to benefit antelope. These tags may be
5 sold at auction to residents or nonresidents of the state or by another
6 method and are not subject to the fee limitation prescribed in
7 subdivision (b). All revenues from sales pursuant to this subdivision
8 shall be deposited in the Big Game Management Account
9 established in Section 3953 and, upon appropriation by the
10 Legislature, shall be expended as set forth in that section.

11 (d) The commission shall direct the department to annually
12 authorize one antelope tag of the total number of tags available
13 for issuance to nonresidents of the state.

14 SEC. 2. Section 332 of the Fish and Game Code is amended
15 to read:

16 332. (a) The commission may determine and fix the area or
17 areas, the seasons and hours, the bag and possession limit, and the
18 number of elk that may be taken under rules and regulations that
19 the commission may adopt from time to time. The commission
20 may authorize the taking of tule elk if the average of the
21 department's statewide tule elk population estimates exceeds 2,000
22 animals, or the Legislature determines, pursuant to the reports
23 required by Section 3951, that suitable areas cannot be found in
24 the state to accommodate that population in a healthy condition.

25 (b) Only a person possessing a valid hunting license may obtain
26 a tag for the taking of elk.

27 (c) The department may issue an elk tag upon payment of a fee.
28 The fee for a tag shall be one hundred sixty-five dollars (\$165) for
29 a resident of the state, as adjusted under Section 713. On or before
30 July 1, 2007, the commission shall, by regulation, fix the fee for
31 a nonresident of the state at not less than one thousand fifty dollars
32 (\$1,050), as adjusted under Section 713. The fees shall be deposited
33 in the Big Game Management Account established in Section 3953
34 and, upon appropriation by the Legislature, shall be expended, in
35 addition to moneys budgeted for salaries of the department as set
36 forth in Section 3953.

37 (d) The commission shall annually direct the department to
38 authorize not more than three elk hunting tags for the purpose of
39 raising funds for programs and projects to benefit elk. These tags
40 may be sold at auction to residents or nonresidents of the state or

1 by another method and are not subject to the fee limitation
2 prescribed in subdivision (c). All revenues from sales pursuant to
3 this subdivision shall be deposited in the Big Game Management
4 Account established in Section 3953 and, upon appropriation by
5 the Legislature, shall be expended as set forth in that section.

6 (e) The commission shall direct the department to annually
7 authorize one elk tag of the total number of tags available for
8 issuance to nonresidents of the state.

9 SEC. 3. Section 1528 of the Fish and Game Code is amended
10 to read:

11 1528. (a) Lands, or lands and water, acquired for public
12 shooting grounds, state marine (estuarine) recreational management
13 areas, or wildlife management areas shall be operated on a
14 nonprofit basis by the department. Multiple recreational use of
15 wildlife management areas, particularly the traditional use of
16 hunting and fishing, is desirable and those uses shall be encouraged
17 by the commission.

18 (b) Except for hunting and fishing purposes, only minimum
19 facilities to permit other forms of multiple recreational use, such
20 as camping, picnicking, boating, or swimming, shall be provided.
21 Except as provided in Section 1765, and to defray the costs
22 associated with multiple use, the commission may determine and
23 fix the amount of, and the department shall collect, fees for any
24 use privileges. However, tours by organized youth and school
25 groups are exempt from the payment of those fees.

26 (c) Only persons holding valid hunting licenses may apply for
27 or obtain shooting permits for public shooting grounds, state marine
28 (estuarine) recreational management areas, or wildlife management
29 areas.

30 SEC. 4. Section 3684 of the Fish and Game Code is repealed.

31 SEC. 5. Section 3684 is added to the Fish and Game Code, to
32 read:

33 3684. (a) The Upland Game Bird Account is hereby established
34 within the Fish and Game Preservation Fund.

35 (b) All funds derived from the sale of upland game bird hunting
36 validations and upland game bird stamps shall be deposited in the
37 Upland Game Bird Account to permit separate accountability for
38 the receipt and expenditure of these funds.

39 (c) Funds deposited in the Upland Game Bird Account shall be
40 available for expenditure upon appropriation by the Legislature to

1 the department. These funds shall be expended solely for the
2 purpose of acquiring land, completing projects and implementing
3 programs to benefit the upland game bird species, and expanding
4 public hunting opportunities and related public outreach, *including,*
5 *but not limited to, trapping and relocating upland game birds,*
6 *establishing food plots, and enhancing upland game bird habitat.*
7 Any land acquired with funds from the Upland Game Bird Account
8 shall be acquired in fee title or protected with a conservation
9 easement and, to the extent possible, be open or provide access to
10 the public for upland game bird hunting. The department may also
11 use funds from the Upland Game Bird Account to pay for
12 administrative and enforcement costs of the programs and activities
13 described in this section. The amount allocated from the account
14 for administrative costs shall be limited to the reasonable costs
15 associated with administration of the programs and activities
16 described in this section.

17 (d) The department may make grants ~~or enter into contracts~~
18 ~~with to, reimburse, or enter into contracts or other agreements as~~
19 *defined in subdivision (a) of Section 1571 with,* nonprofit
20 organizations for the use of the funds from the Upland Game Bird
21 Account to carry out the purposes of this section.

22 (e) An advisory committee, as determined by the department,
23 that includes interested nonprofit organizations that have goals
24 and objectives directly related to the management and conservation
25 of game bird species and primarily represent the interests of persons
26 licensed pursuant to Section 3031 shall review and provide
27 comments to the department on all proposed projects funded from
28 the Upland Game Bird Account to help ensure that the requirements
29 of this section have been met. The department shall post budget
30 information and a brief description on its Internet Web site for all
31 projects funded from the Upland Game Bird Account.

32 (f) Upland game bird projects authorized pursuant to this section
33 are not subject to Part 2 (commencing with Section 10100) of
34 Division 2 of the Public Contract Code or Article 6 (commencing
35 with Section 999) of Chapter 6 of Division 4 of the Military and
36 Veterans Code.

37 (g) The department shall maintain the internal accountability
38 necessary to ensure compliance with the collection, deposit, and
39 expenditure of funds specified in this section.

40 SEC. 6. Section 3685 of the Fish and Game Code is repealed.

SEC. 7. Section 3686 of the Fish and Game Code is amended to read:

3686. Projects authorized pursuant to Section 3684 shall be governed by Section 1501.5. With the approval of the entity in control of property affected by a project, the department may make grants to, or enter into contracts with, nonprofit organizations for the accomplishment of those projects, or the department may reimburse the controlling entity for its costs of accomplishing the project.

SEC. 8. Section 3953 is added to the Fish and Game Code, to read:

3953. (a) The Big Game Management Account is hereby established within the Fish and Game Preservation Fund.

(b) All revenues from the sale of antelope, elk, deer, wild pig, bear, and sheep tags, including any fundraising tags, shall be deposited in the Big Game Management Account to permit separate accountability for the receipt and expenditure of these funds.

(c) Funds deposited in the Big Game Management Account shall be available for expenditure upon appropriation by the Legislature to the department. These funds shall be expended solely for the purposes set forth in this section and Sections 3951 and 3952, and Chapter 5 (commencing with Section 450) of Division 1, Chapter 7 (commencing with Section 4650), and Chapter 11 (commencing with Section 4900), including acquiring land, completing projects, and implementing programs to benefit antelope, elk, deer, wild pigs, bear, and sheep, and expanding public hunting opportunities and related public outreach. Any land acquired with funds from the Big Game Management Account shall be acquired in fee title or protected with a conservation easement and, to the extent possible, be open or provide access to the public for antelope, elk, deer, wild pig, bear, or sheep hunting. The department may also use funds from the Big Game Management Account to pay for administrative and enforcement costs of the programs and activities described in this section. The amount allocated from the account for administrative costs shall be limited to the reasonable costs associated with administration of the programs and activities described in this section.

(d) The department may make grants ~~or enter into contracts with~~ to, reimburse, or enter into contracts or other agreements as defined in subdivision (a) of Section 1571 with, nonprofit

1 organizations for the use of the funds from the Big Game
2 Management Account to carry out the purposes of this section.

3 (e) An advisory committee, as determined by the department,
4 that includes interested nonprofit organizations that have goals
5 and objectives directly related to the management and conservation
6 of big game species and primarily represent the interests of persons
7 licensed pursuant to Section 3031 shall review and provide
8 comments to the department on all proposed projects funded from
9 the Big Game Management Account to help ensure that the
10 requirements of this section have been met. The department shall
11 post budget information and a brief description on an Internet Web
12 site for all projects funded from the Big Game Management
13 Account.

14 (f) Big game projects authorized pursuant to this section are not
15 subject to Part 2 (commencing with Section 10100) of Division 2
16 of the Public Contract Code or Article 6 (commencing with Section
17 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

18 (g) The department shall maintain the internal accountability
19 necessary to ensure compliance with the collection, deposit, and
20 expenditure of funds specified in this section.

21 SEC. 9. Section 4332 of the Fish and Game Code is amended
22 to read:

23 4332. (a) Any resident of this state, 12 years of age or over,
24 who possesses a valid hunting license, may procure one tag for
25 the taking of one deer by one person during the current license
26 year, upon payment of the base fee of ten dollars (\$10) for the
27 license year beginning July 1, 1986, and the base fee as adjusted
28 under Section 713 for subsequent license years.

29 (b) Any nonresident of this state, 12 years of age or over, who
30 possesses a valid hunting license, may procure one tag for the
31 taking of one deer by one person during the current license year,
32 upon payment of the base fee of one hundred dollars (\$100) for
33 the license year beginning July 1, 1986, and the base fee as adjusted
34 under Section 713 for subsequent license years.

35 (c) If provided in regulations adopted by the commission under
36 Section 200, any resident of this state, 12 years of age or over,
37 who possesses a deer tag may procure one additional deer tag for
38 the taking of one additional deer during the current license season,
39 upon payment of the base fee of twelve dollars and fifty cents

1 (\$12.50) for the license years beginning July 1, 1986, and the base
2 fee as adjusted under Section 713 for subsequent license years.

3 (d) If provided in regulations adopted by the commission under
4 Section 200, any nonresident of this state, 12 years of age or over,
5 who possesses a deer tag may procure one additional deer tag for
6 the taking of one additional deer during the current license season,
7 upon payment of the base fee of one hundred dollars (\$100) for
8 the license year beginning July 1, 1986, and the base fee as adjusted
9 under Section 713 for subsequent license years.

10 (e) All revenues pursuant to this section shall be deposited in
11 the Big Game Management Account established in Section 3953
12 and, upon appropriation by the Legislature, shall be expended as
13 set forth in that section.

14 SEC. 10. Section 4334 of the Fish and Game Code is repealed.

15 SEC. 11. Section 4334 is added to the Fish and Game Code,
16 to read:

17 4334. (a) The commission shall annually direct the department
18 to authorize, pursuant to Section 1054.8, the sale of not more than
19 10 deer tags for the purpose of raising funds for programs and
20 projects as set forth in Section 3953. All revenue from the sale of
21 tags pursuant to this section shall be deposited in the Big Game
22 Management Account established in Section 3953 and, upon
23 appropriation by the Legislature, shall be expended as set forth in
24 that section.

25 (b) These tags may be sold to residents or nonresidents of the
26 State of California at auction or by any other method and are not
27 subject to the fees prescribed by Section 4332.

28 (c) These funds shall augment, not supplant, any other funds
29 appropriated to the department for the preservation, restoration,
30 utilization, and management of deer. All revenues derived from
31 the sale of these tags shall be remitted to the department by the
32 seller.

33 SEC. 12. Section 4656 of the Fish and Game Code is amended
34 to read:

35 4656. Revenues received pursuant to this chapter shall be
36 deposited in the Big Game Management Account established in
37 Section 3953. These funds shall be available for expenditure by
38 the department as set forth in Section 3953. The department shall
39 maintain all internal accounting measures necessary to ensure that
40 all restrictions on these funds are met.

1 SEC. 13. Section 4751 of the Fish and Game Code is amended
2 to read:

3 4751. (a) Any resident of this state, 12 years of age or over,
4 who possesses a valid hunting license, may procure the number
5 of bear tags corresponding to the number of bear that may legally
6 be taken by one person during the current license year, upon
7 payment of a base fee of fifteen dollars (\$15), as adjusted under
8 Section 713, for each bear tag. Fee revenues pursuant to this
9 subdivision shall be deposited in the Big Game Management
10 Account established in Section 3953 and, upon appropriation by
11 the Legislature, shall be expended as set forth in that section.

12 (b) Any nonresident of this state, 12 years of age or over, who
13 possesses a valid California hunting license, may procure the
14 number of bear tags corresponding to the number of bear that may
15 be legally taken by one person during the current license year upon
16 payment of the base fee of one hundred five dollars (\$105), as
17 adjusted under Section 713, for each bear tag. Fee revenues
18 pursuant to this subdivision shall be deposited in the Big Game
19 Management Account established in Section 3953 and, upon
20 appropriation by the Legislature, shall be expended as set forth in
21 that section.

22 SEC. 14. Section 4902 of the Fish and Game Code is amended
23 to read:

24 4902. (a) The commission may adopt all regulations necessary
25 to provide for biologically sound management of Nelson bighorn
26 sheep (subspecies *Ovis canadensis nelsoni*).

27 (b) (1) After the plans developed by the department pursuant
28 to Section 4901 for the management units have been submitted,
29 the commission may authorize sport hunting of mature Nelson
30 bighorn rams. Before authorizing the sport hunting, the commission
31 shall take into account the Nelson bighorn sheep population
32 statewide, including the population in the management units
33 designated for hunting.

34 (2) Notwithstanding Section 219, the commission shall not,
35 however, adopt regulations authorizing the sport hunting in a single
36 year of more than 15 percent of the mature Nelson bighorn rams
37 in a single management unit, based on the department's annual
38 estimate of the population in each management unit.

39 (c) The fee for a tag to take a Nelson bighorn ram may be
40 determined by the commission, but shall not exceed five hundred

1 dollars (\$500). Fee revenues shall be deposited in the Big Game
2 Management Account established in Section 3953 and, upon
3 appropriation by the Legislature, shall be expended as set forth in
4 that section.

5 (d) The commission shall annually direct the department to
6 authorize not more than three of the tags available for issuance
7 that year to take Nelson bighorn rams for the purpose of raising
8 funds for programs and projects to benefit Nelson bighorn sheep.
9 These tags may be sold to residents or nonresidents of the State
10 of California at auction or by another method and shall not be
11 subject to the fee limitation prescribed in subdivision (c).
12 Commencing with tags sold for the 1993 hunting season, if more
13 than one tag is authorized, the department shall designate a
14 nonprofit organization organized pursuant to the laws of this state,
15 or the California chapter of a nonprofit organization organized
16 pursuant to the laws of another state, as the seller of not less than
17 one of these tags. The number of tags authorized for the purpose
18 of raising funds pursuant to this subdivision, if more than one,
19 shall not exceed 15 percent of the total number of tags authorized
20 pursuant to subdivision (b). All revenue from the sale of tags
21 pursuant to this subdivision shall be deposited in the Big Game
22 Management Account established in Section 3953 and, upon
23 appropriation by the Legislature, shall be expended as set forth in
24 that section.

25 (e) No tag issued pursuant to this section shall be valid unless
26 and until the licensee has successfully completed a prehunt hunter
27 familiarization and orientation and has demonstrated to the
28 department that he or she is familiar with the requisite equipment
29 for participating in the hunting of Nelson bighorn rams, as
30 determined by the commission. The orientation shall be conducted
31 by the department at convenient locations and times preceding
32 each season, as determined by the commission.

33 SEC. 15. Section 4903 of the Fish and Game Code is amended
34 to read:

35 4903. Revenue from the fees authorized by this chapter shall
36 be deposited in the Big Game Management Account established
37 in Section 3953 and, upon appropriation by the Legislature, shall
38 be expended as set forth in that section. Administrative overhead
39 shall be limited to the reasonable costs associated with the direct
40 administration of the program. These funds shall be used to

1 augment, and not to replace, moneys appropriated from existing
2 funds available to the department for the preservation, restoration,
3 utilization, and management of bighorn sheep. The department
4 shall maintain internal accountability necessary to ensure that all
5 restrictions on the expenditure of these funds are met.

O